

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT PIERCE DIVISION

SCOTT A. PRINCIPE, MARY DOWNMAN  
PRINCIPE, and DAVID A. STEEN,

Plaintiffs,

v.

Case No. 24-14292-CIV-CANNON

OKEECHOBEE COUNTY MUNICIPALITY,  
MICKEY L. BANDI *Okeechobee County*  
*Property Appraiser*, and CELESTE WATFORD  
*Okeechobee County Tax Collector*,

Defendants.

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**DEFENDANTS' JOINT MOTION FOR LEAVE TO FILE MOTION IN EXCESS OF  
TWENTY PAGES**

Defendants, Mickey Bandi, in his individual official capacity as Okeechobee County Property Appraiser (property appraiser), and Celeste Watford, in her individual official capacity as Okeechobee County Tax Collector (tax collector), and Okeechobee County Municipality, (the "County"), by and through the undersigned counsel, move for leave to file a motion to dismiss in excess of 20 pages and state as follows.

1. This is a civil rights action brought under 42 U.S.C. § 1983. Plaintiffs' Amended Complaint, (Doc. 14), raises a total of four counts against Defendants related to the training and enforcement of procedures for enforcing and collecting property taxes.

2. On November 6, 2024, the County and individual Defendants filed separate motions to dismiss. (Doc. 27; Doc. 28).

3. On November 7, 2024, the Court denied the individually filed motions without prejudice pursuant to the Court's Order Requiring Combined Responses. (Doc. 15; Doc. 29).

4. Under Local Rule 7.1(c), motions and the incorporated memorandum of law are limited to twenty pages.

5. The County and individual Defendants' motions totaled six and twenty pages, respectively. *See* Local Rule 7.1(c), S.D. Fla. (regarding portions excluded from the page count).

6. To comply with the Court's Order requiring Combined Responses and the page limits pursuant to Local Rule 7.1(c), Defendants seek leave to file a single combined motion to dismiss in excess of twenty pages.

7. Although the claims against the Defendants appear to be similar, the parties maintain different defenses because the County is a municipality and the Property Appraiser and Tax Collector are separate constitutional officers.

8. To adequately address the applicable defenses for each Defendant and separately represented parties, Defendants request an additional three (3) pages be added to the twenty-page limit set by Local Rule 7.1(c), thus allowing Defendants to file a motion to dismiss up to twenty-three (23) pages.

9. Defendants believe that the additional room will allow the parties to better address the claims and assist the Court in resolving the motion.

10. Plaintiffs do not oppose the relief requested in this Motion.

11. Defendants have no objection to Plaintiffs receiving the same relief of a 23-page limit for any response to the Motion.

#### **Memorandum of Law**

District Courts have broad discretion in managing their cases. *Chrysler Intern. Corp. v. Chemaly*, 280 F.3d 1358, 1360 (11th Cir. 2002). This discretion includes enlarging page limits pursuant to the local rules. *See Silva v. Baptist Health S. Florida, Inc.*, No. 14-CV-21803, 2015

WL 12030094, at \*1 (S.D. Fla. Apr. 14, 2015) (citing *Reese v. Herbert*, 527 F.3d 1253, 1267 (11th Cir. 2008); see also *Whitehead By & Through Whitehead v. Sch. Bd. for Hillsborough Cnty.*, State of Fla., 932 F. Supp. 1396, 1398 (M.D. Fla. 1996) (granting excess pages to allow the court to adequacy consider the legal issues). Consistent with this framework and the reasons discussed above, an enlargement of the page limitations is appropriate here.

### **Conclusion**

WHEREFORE, Defendants respectfully request that the Court grant leave to file a combined response to the Amended Complaint in excess of the page limit set by Local Rule 7.1(c), allowing Defendants to file a motion to dismiss up to twenty-three (23) pages.

### **Local Rule 7.1(a)(3) Certification**

Pursuant to Local Rule 7.1(a)(3), the undersigned counsel has conferred with all parties regarding the relief requested in this Motion. The undersigned counsel certifies that Plaintiffs do not oppose the requested relief.

Respectfully submitted,

/s/ Geraldo F. Olivo, III

Geraldo F. Olivo, III, Esquire

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 11th day of November, 2024 I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following:

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*/s/ Geraldo F. Olivo, III*

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